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MATSON NAVIGATION COMPANY, INC.
AND ALEXANDER & BALDWIN, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CURTIS BRUNK, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

MATSON NAVIGATION COMPANY, INC.;
ALEXANDER & BALDWIN, INC.; and
HORIZON LINES, LLC,

Defendants.

Case No. CV 08-03010 VRW

**STIPULATION [AND PROPOSED
ORDER] TO VACATE DEADLINES SET
IN MAGISTRATE JUDGE
ZIMMERMAN'S JUNE 18, 2008 ORDER**

1 WHEREAS, the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS, plaintiff alleges antitrust violations on behalf of purchasers of domestic
3 containerized ocean shipping services for service between the continental United States and
4 Hawaii.

5 WHEREAS, twenty-three purported class action lawsuits have been filed to date in five
6 federal district courts across the country and containing nearly identical allegations regarding a
7 purported price-fixing conspiracy among various members of the Pacific Ocean Cabotage
8 industry. *See* Declaration of Joel S. Sanders in Support of Stipulation to Vacate Deadlines
9 (“Sanders Decl.”), ¶ 3.

10 WHEREAS, by Transfer Order dated August 13, 2008, the Judicial Panel on Multidistrict
11 Litigation (the “JPML”) granted a motion to coordinate and consolidate pretrial proceedings
12 pursuant to 28 U.S.C. § 1407 in the matter *In Re: Hawaiian and Guamanian Cabotage Antitrust*
13 *Litigation*, MDL No. 1972. Sanders Decl. ¶ 4.

14 WHEREAS, *Steinberg v. Matson Navigation Co., et. al.*, C 08-02402 VRW (N.D. Cal.), an
15 action assigned to this Court, was one of the actions transferred to the Western District of
16 Washington pursuant to the JPML’s August 13, 2008 Order. Sanders Decl. ¶ 5.

17 WHEREAS, *Brunk v. Matson Navigation Company, et. al.*, C 08-03010 BZ (N.D. Cal.),
18 was identified as a potential tag-along action in MDL No. 1972. Sanders Decl. ¶ 6.

19 WHEREAS, by Conditional Transfer Order dated August 25, 2008, the JPML
20 conditionally transferred the *Brunk* action to the Western District of Washington pursuant to 28
21 U.S.C. § 1407. Sanders Decl. ¶ 7.

22 WHEREAS, by Related Case Order dated August 20, 2008, this Court determined that the
23 *Brunk* action is related to the *Steinberg* action, and reassigned the case to Chief Judge Vaughn R.
24 Walker accordingly. Sanders Decl. ¶ 8.

25 WHEREAS, on June 18, 2008, Judge Bernard Zimmerman issued an Order Setting Initial
26 Case Management Conference and ADR Deadlines in *Brunk* that set September 1, 2008 as the
27 deadline for engaging in a meet and confer session regarding initial disclosures, early settlement,
28 the ADR process selection, and a discovery plan; the filing of an ADR certification; and the filing

1 of either an ADR Stipulation or a Notice of Need for an ADR Phone Conference. *See Sanders*
 2 Decl. ¶ 9.¹

3 WHEREAS, all parties anticipate that the JPML's transfer to the Western District of
 4 Washington of the *Steinberg, Brunk* and the other Related Actions filed in the Northern District of
 5 California will soon be completed. Sanders Decl. ¶ 10.

6 WHEREAS, plaintiff anticipates the possibility of a Consolidated Complaint or
 7 Complaints in the Hawaiian and Guamanian Cabotage Antitrust Litigation once the Related
 8 Actions have been transferred under MDL 1972 and the plaintiffs in the Related Actions have had
 9 an opportunity to organize. Sanders Decl. ¶ 11.

10 WHEREAS, vacating the deadlines contained in June 18, 2008 Order Setting Initial Case
 11 Management Conference and ADR Deadlines will visit no negative consequences on the schedule
 12 for the case. Sanders Decl. ¶ 12.

13 PURSUANT TO CIVIL LOCAL RULE 6-1(b) and 6-2(a), PLAINTIFF AND
 14 DEFENDANTS, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD,
 15 HEREBY STIPULATE AS FOLLOWS:

16 1. The September 1, 2008 deadlines for engaging in a meet and confer session
 17 regarding initial disclosures, early settlement, the ADR process selection, and a discovery plan; the
 18 filing of an ADR certification; and the filing of either an ADR Stipulation or a Notice of Need for
 19 an ADR Phone Conference contained in the June 18, 2008 Order are VACATED pending action
 20 by the Transferee Court in the Western District of Washington.

21 2. This Stipulation does not constitute a waiver by Defendants of any defense,
 22 including but not limited to the defenses of lack of personal jurisdiction, subject matter

23 ///

24 ///

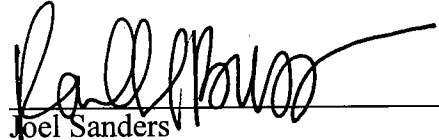
25 _____
 26 ¹ The June 18 Order also set September 15, 2008 as the deadline for filing a Rule 26(f)
 27 Report, completing initial disclosures, and filing a Case Management Report; and scheduled an
 28 Initial Case Management Conference for September 22, 2008. Pursuant to this Court's August 20
 Related Case Order, however, the case management conference will be rescheduled and the
 related deadlines adjusted accordingly. *See Sanders Decl. ¶ 9.*

jurisdiction, improper venue, or service of process.

IT IS SO STIPULATED.

Dated: August 29, 2008

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Dated: August 29, 2008

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Counsel for Plaintiff Curtis Brunk

Pursuant to stipulation, IT IS SO ORDERED.

Dated this ____ day of August, 2008.

The Honorable Vaughn R. Walker
U.S. District Chief Judge

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